



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant(s): Turner JR *et al.* Group Art Unit: 1647  
Application No.: 09/930,871 Examiner: S. Turner  
Filed: 08/15/2001  
Atty. Docket No.: LEX-0216-USA  
Title: Novel Human Ion Channel Proteins and  
Polynucleotides Encoding the Same

**AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT**  
**DATED FEBRUARY 25, 2003**

Commissioner for Patents  
Arlington, VA 22202

Sir:

The Examiner is respectfully requested to enter the following amendments. A response to the Restriction Requirement dated February 25, 2003 (Paper No. 9, hereafter "the Requirement") is also included herewith, and the Examiner is respectfully requested to consider the remarks therein.

The response is timely filed. Applicants believe no fees are due in connection with this response. However, the Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-0892.

**AMENDMENT**

**In the claims:**

Please cancel claim 5, entirely without prejudice and without disclaimer, as drawn to a non-elected invention.

Please cancel claim 2, entirely without prejudice and without disclaimer.

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Please amend the claims so that the text of the amended claims read as follows:

A1

1. (Amended) An isolated nucleic acid molecule comprising a nucleotide sequence encoding the amino acid sequence of SEQ ID NO:12.

A2

3. (Amended) An isolated nucleic acid molecule comprising the nucleotide sequence of SEQ ID NO:11.

Please add new claims 6-8 as follows:

A3

--6. (New) A recombinant expression vector comprising the isolated nucleic acid molecule of claim 1.

7. (New) The recombinant expression vector of claim 6, wherein the isolated nucleic acid molecule comprises the nucleotide sequence of SEQ ID NO:11.

8. (New) A host cell comprising the recombinant expression vector of claim 6.--

## RESPONSE

### **I. Restriction Requirement**

Although not clearly set forth in the Requirement, the Examiner apparently has determined that the original claims are directed to ten separate and distinct inventions under 35 U.S.C. § 121, as follows:

Groups I-X: Claims 1-5, said to be drawn respectively to nucleic acids encoding SEQ ID NO's:2, 4, 6, 8, 10, 12, 14, 16, 18 and 20, classified in class 536, subclass 23.1.

### **II. Response to Restriction Requirement**

Applicants note for the record that claim 5 is not drawn to a nucleic acid, as set forth in the Requirement, but rather is drawn to an oligopeptide. Applicants assume, therefore, that claim 5 should be placed into a separate restriction group, as it is drawn to an invention distinct from inventions I-X.